

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

LIGURIA FOODS, INC., )  
Plaintiff, ) Case No. 2014 cv 03041  
GRIFFITH LABORATORIES, INC., )  
Defendant. )

**LIGURIA FOODS, INC.'S  
MOTION TO STRIKE CERTAIN AFFIRMATIVE DEFENSES**

Plaintiff Liguria Foods, Inc. (“Liguria”), by and through its undersigned counsel, and pursuant to Federal Rule of Civil Procedure 12(f), hereby moves to strike certain<sup>1</sup> of Defendant Griffith Laboratories, Inc.’s (“Griffith”) Affirmative Defenses. In support thereof, Liguria states as follows:

1. Liguria’s Complaint sets forth two claims for breach of the implied warranty of merchantability and breach of the implied warranty of fitness for a particular purpose.
2. On August 29, 2014, Griffith filed its Answer, which included nine (9) Affirmative Defenses. Liguria now moves to strike Griffith’s First, Second, Fifth, Seventh, Eighth and Ninth Affirmative Defenses.
3. Under Federal Rule of Civil Procedure 12(f), the Court “may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” *See Reis v. Robotics USA, Inc. v. Concept Indus., Inc.*, 462 F. Supp. 3d 897, 907 (N.D. Ill. 2006) (“Merely stringing together a long list of legal defenses is insufficient to satisfy Rule 8(a). It is unacceptable for a party’s attorney simply to mouth [affirmative defenses] in formula-like fashion (‘laches,’ ‘estoppel,’ ‘statute of limitations’ or what have you, for that does not do

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<sup>1</sup> Liguria has concurrently filed an Answer to Affirmative Defense Nos. 3, 4 and 6.

the job of appraising counsel and [the] Court of the predicate for the claimed defenses – which after all is the goal of notice pleading.”).

4. As set forth in Liguria’s Brief in Support of Motion to Strike Affirmative Defenses, filed contemporaneously herewith, the Affirmative Defenses challenged in this Motion are improperly pleaded, interject irrelevant or immaterial issues, and assert defenses that are insufficient as a matter of law and/or would prejudice Liguria by unduly broadening the issues in this litigation.

WHEREFORE, Plaintiff, Liguria Foods, Inc. respectfully requests the Court enter an Order striking Griffith Laboratories, Inc.’s First, Second, Fifth, Seventh, Eighth and Ninth Affirmative Defenses and for any other relief this Court deems appropriate.

Date: September 19, 2014

Respectfully Submitted,

**LIGURIA FOODS, INC.**

By: /s/ Jeffery M. Heftman  
One of Its Attorneys

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**CERTIFICATE OF SERVICE**

I, Jeffery M. Heftman, an attorney, hereby state under oath that I caused a copy of **Liguria Foods, Inc.'s Motion to Strike Certain Affirmative Defenses** to be filed and served electronically with the U.S. District Court, Northern District of Iowa e-filing system (CM/ECF). Notice of this filing will be sent to all counsel of record by operation of the e-filing system (CM/ECF).

/s/Jeffery M. Heftman